

**BEFORE THE APPEALS BOARD  
FOR THE  
KANSAS DIVISION OF WORKERS COMPENSATION**

<b>GARY P. COKER</b>	)	
Claimant	)	
VS.	)	
	)	Docket No. 213,514
<b>BROWN &amp; BROWN, INC.</b>	)	
Respondent	)	
AND	)	
	)	
<b>CIGNA COMPANIES</b>	)	
Insurance Carrier	)	

**ORDER**

Claimant appeals from a preliminary hearing Order of Administrative Law Judge Bruce E. Moore dated September 27, 1996, wherein the Administrative Law Judge denied claimant benefits finding claimant had failed to prove accidental injury arising out of and in the course of his employment.

**ISSUES**

Whether claimant's accidental injuries arose out of and in the course of his employment with respondent.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Having reviewed the entire record, the Appeals Board finds, for preliminary hearing purposes, that the Order of the Administrative Law Judge should be affirmed.

Claimant alleges accidental injury to his bilateral knees for the period 1993 through October 10, 1995, his last date of employment with respondent. Respondent denied claimant met with accidental injury arising out of and in the course of his employment and

further denied claimant had provided notice as is required by K.S.A. 44-520, as amended. The Administrative Law Judge did not decide the notice issue finding that claimant failed to prove accidental injury arising out of and in the course of his employment.

The medical evidence in the record indicates that while the doctors believe claimant's "symptoms" were aggravated by his work duties, there is no indication that claimant's underlying condition was in any way made worse as a result of his employment with respondent.

The Order of the Administrative Law Judge sets out findings of fact and conclusions of law in some detail and it is not necessary to repeat those herein. The findings and conclusions enumerated in the order of the Administrative Law Judge are both accurate and appropriate and the Appeals Board adopts the same as its own findings and conclusions as if specifically set forth herein. The Administrative Law Judge's reliance on the logic in Beckman v. Goodyear Tire & Rubber, 210 Kan. 733, 504 P.2d 625 (1972) is well placed.

**WHEREFORE**, it is the finding, decision and order of the Appeals Board that the Order of Administrative Law Judge Bruce E. Moore dated September 27, 1996, should be, and is hereby, affirmed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of November 1996.

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BOARD MEMBER

c: M. John Carpenter, Great Bend, KS  
Vincent Burnett, Wichita, KS  
Bruce E. Moore, Administrative Law Judge  
Philip S. Harness, Director